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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 ANTHONY J. BROOKS,  
12 Plaintiff,  
13 v.  
14 FRANK GIACOBETTI,  
15 Defendant.  
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Case No. 2:17-cv-03020-ODW(MRW)  
**DISMISSAL ORDER**

17 Plaintiff filed this lawsuit on April 3, 2017. (Compl., ECF No. 1.) On January  
18 19, 2018, the Court ordered Plaintiff to serve the summons and complaint on  
19 Defendant Frank Giacobetti no later than April 16, 2018. (ECF No. 16.) On February  
20 7, 2018, Plaintiff mailed the Summons to the Court, but this submission was rejected  
21 pursuant to Local Rule 83-2.5, which prohibits parties from communicating to the  
22 Judge regarding a pending matter unless opposing counsel is present. (ECF No. 17.)  
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24 Under Rule 4(m), if a plaintiff fails to serve a defendant within 90 days after the  
25 complaint is filed, the Court “must dismiss the action without prejudice ... or order  
26 that service be made within a specified time.” Fed. R. Civ. P. 4(m). Here, the 90 day  
27 deadline for service expired on July 2, 2017. The Court extended this deadline to  
28 April 16, 2018, but Plaintiff has failed to serve the Defendant as required.

Therefore, this case is hereby **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court shall close this case.

**IT IS SO ORDERED.**

April 18, 2018

*Chris Wright*

**OTIS D. WRIGHT, II**  
**UNITED STATES DISTRICT JUDGE**